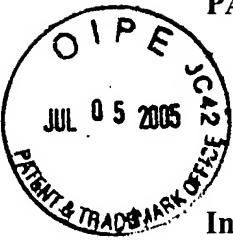


PATENT APPLICATION

N0127/PP/HH



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

APPLN. NO. 10/753,258

FILED: January 7, 2004

Ing-Shou Hwang

Group Art Unit: Unknown

Examiner: Unknown

ENTITLED: Motion Actuator

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
OR, IN THE ALTERNATIVE,
PETITION TO REVIVE UNDER 37 CFR 1.137(a)

Mail Stop: Petitions Branch
Commissioner for Patents
Alexandria, VA 22313

| 07/07/2005 SHASSEN1 00000041 10753258
| 01 FC:2452 250.00 OP

Sir:

Applicant hereby requests that the Office withdraw the holding of abandonment, because the Notice To File Missing Parts mailed in this case has never been received. This request is filed according to Official Gazette Notice 1156 O.G. 53 (November 16, 1993). Should the Office decide not to consider this submission under Official Gazette Notice 1156 O.G. 53, Applicant, in the alternative, requests the Office to consider this submission as a Petition to Revive based on unavoidable delay under 37 U.S.C. 1.137(a). For this purpose, a credit card authorization form in the amount of \$404.00, said amount including petition fee of \$250 (small entity), is enclosed herewith.

The undersigned, Pavel Pogodin, Registration Number 48,205, Applicant's attorney, hereby attests to the following facts to be true:

- a. On May 17, 2005, I received Notice of Abandonment Under 37 C.F.R. 1.53(f) or (g) for failure to respond to Notice to File Missing Parts mailed on 09/03/2004.

b. I affirm and attest that I have not received the aforementioned Notice to File Missing Parts mailed by the patent office and that I have searched ALL my files and have found no Notice to File Missing Parts concerning the subject case. I first became aware of the aforementioned Notice to File Missing Parts on or about April 15, 2005, when I routinely examined records in the PAIR database, after the time for reply thereto has already lapsed. Accordingly, in preparation of this request, I have reviewed the MPEP and have followed the discussion provided in Section 711.03: II. PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION.

c. I practice patent law with my partner Joseph Bach, Reg. No. 37,771. Since my patent law practice is small, I maintain no docket record for mailings received from the patent office. Rather, each mailing is received personally by myself and is placed directly in the file and worked upon by either myself or my partner Joseph Bach – we maintain no other staff. Accordingly, no copy of a docket record is attached. However, had a mailing indeed been delivered in this case, I would have had personal knowledge of it, because I personally collect the mail from the mailing address of 617 North Delaware Street, San Mateo, California, 94401. My partner Joseph Bach does not collect mail from the indicated address. Therefore, I have personal knowledge that no Notice to File Missing Parts for this case has been delivered to me by the postal service.

d. Accordingly, I request that the Notice of Abandonment be withdrawn, as I have not received the Notice to File Missing Parts and, therefore, could not have timely replied to it.

e. Alternatively, Applicant hereby petitions to revive this patent application. The abandonment of this case was unavoidable.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted

/Dr. Pavel Pogodin/

Pavel Pogodin, Esq.
Reg. No. 48,205

Pavel Pogodin, Esq.
TransPacific Law Group
617 North Delaware Street
San Mateo, California 94401
(650) 954-6857
(650) 342-4403 Fax
e-mail: pavel@transpacificlaw.com

Date: July 2, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/753,258	01/05/2004	Ing-Shouh Hwang	N0127/PP/HH

CONFIRMATION NO. 6751

ABANDONMENT/TERMINATION
LETTER

OC000000015996170

41744
TRANSPACIFIC LAW GROUP
617 NORTH DELAWARE STREET
SAN MATEO, CA 94401

Date Mailed: 05/12/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/03/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

*A copy of this notice **MUST** be returned with the reply.*

5n In ent

Office of Initial Patent Examination (703) 308-1202
PART 3 - OFFICE COPY